

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 15164 of 2004

Between:

1. M/s Kalyani Granite Industry, rep.by its Managing Partner Chinta

Tirupathi Rao, S/o Narasimha Swamy, R/o Davaleshwaram, East

Godavari District.

2 C.V.L.Narasimha Rao, S/o Narasimha Swamy,
R/o Davaleshwaram, East Godavari District.

3 Ch.Srinivasa Rao, S/o Narasimha Swamy,
R/o Davaleshwaram, East Godavari District.

4 Ch.Balaji Rao, S/o Narasimha Swamy,
R/o Davaleshwaram, East Godavari District.

..... PETITIONERS

AND

1 The Manager, Andhra Bank, Danavaipeta, Rajahmundry,
East Godavari District

2 The Regional Manager, Andhra Bank, Kakinada, E.G.District

3 The Debts Recovery Tribunal, Visakhapatnam, rep.by its Recovery

Officer, Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more in the nature of Writ of Mandamus directing the 1st and 2nd respondents to consider the representation of the Petitioners dated 21-08-2004 for settlement of Petitioners' outstanding dues under one Time Settlement

Scheme issued by the Reserve Bank of India and further declare the action of the 3rd respondent in issuing the order bearing R.P.No.164/2003 in O.A.No.1009/2002 dated 5-8-2004 as illegal and arbitrary.

Counsel for the Petitioner:MR.V.S.N.SARMA

Counsel for the Respondent Nos.1 and 2: MR.N.RAMAMOHANA RAO

Counsel for the Respondent No.3: None appeared.

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

Writ petitioners, on 21-8-2004, submitted their representation to the respondent-bank for settlement of their dues pursuant to the scheme for one time settlement of non-performing assets. On the face of it, such a representation is beyond the limit prescribed in the scheme and on judicial side, the same cannot be directed to be considered by the respondent-bank.

Petitioners have already approached the Debts Recovery Tribunal, Visakhapatnam by filing application for setting aside the ex parte orders. Petitioners are aggrieved that their property has been notified for being sold. In case that being so, filing of writ petition for redressal of the grievance is totally misconceived. Petitioners have remedy in accordance with law by approaching the proper authorities.

Petition dismissed.

DEVINDER GUPTA, CJ

30-8-2004

C.V.RAMULU, J

Tvr

To

- 1 The Manager, Andhra Bank, Danavaipeta, Rajahmundry,
East Godavari District
- 2 The Regional Manager, Andhra Bank, Kakinada, E.G.District
- 3 The Recovery Officer, Debts Recovery Tribunal,

Visakhapatnam.

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